

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JULIANNE DAVIDSON,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4227-CV-C-NKL
)	
MILLER COUNTY, MISSOURI, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Defendants James Gavette and Ron Perkins, on December 27, 2007, filed a motion to strike paragraphs 24, 25, 26, 27 and 28 of plaintiff Julianne Davidson's complaint.¹ Davidson has filed a response in opposition.

Upon review, this court finds that paragraphs 24, 26, 27 and 28 should be stricken from plaintiff's complaint. Under the notice pleading standard of Rule 12, Federal Rules of Civil Procedure, this court fails to see how these paragraphs' additional allegations add anything to the substance of plaintiff's complaint. The striking of paragraph 25, however, should be denied because it alleges activity relating to training and supervision of defendant Gavette and also relates to custom and policy.

IT IS, THEREFORE, RECOMMENDED that the motion of defendants Gavette and Perkins to strike be granted, in part, and denied, in part. [10] It is further

RECOMMENDED that paragraphs 24, 26, 27 and 28 of plaintiff Davidson's complaint be stricken. It is further

RECOMMENDED that the motion to strike paragraph 25 of plaintiff Davidson's complaint be denied.

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within ten (10) days. If additional time is needed, a motion for an extension of

¹This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

time must be filed within ten days. The motion should state the reasons for the request. See Nash v. Black, 781 F.2d 665, 667 (8th Cir. 1986) (citing Thomas v. Arn, 474 U.S. 140 (1985)); Messimer v. Lockhart, 702 F.2d 729 (8th Cir. 1983). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

Dated this 28th day of February, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge